

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JEREMY PINSON and MIKEAL STINE,

Plaintiffs,

v.

J. PRELIP and J. FRISK,

Defendants.

Case No. [13-cv-5502 VC \(PR\)](#)

**ORDER GRANTING DEFENDANT'S
MOTION FOR EXTENSION OF TIME,
PLAINTIFFS' MOTION FOR
DEFENDANT TO RESPOND TO
MOTION RE: FILING FEES AND
PLAINTIFFS' MOTION FOR
SUBPOENAS**

Docket nos. 52, 54

Plaintiffs Jeremy Pinson and Mikeal Stine, inmates at the United States Penitentiary in Florence, Colorado, filed a civil rights action pursuant to 42 U.S.C. § 1983 alleging the violation of their constitutional rights by employees at Pelican Bay State Prison in California. On April 4, 2014, Pinson and Stine filed a motion to stay collection of the filing fee. On April 14, 2014, the Court issued an Order of Partial Service. On May 13, 2014, the Court denied the motion to stay collection of the filing fee without prejudice to re-filing after defendants appeared in this action. On June 12, 2014, Defendant J. Frisk filed an answer to the amended complaint. On June 23, 2014, Pinson and Stine filed a motion for an order directing Frisk to respond to the motion to stay collection of the filing fee. This motion is GRANTED. Frisk is directed to file a response to plaintiffs' motion to stay the filing fee within twenty-one days from the date of this Order. Plaintiffs may file a reply within fourteen days thereafter.

On June 30, 2014, Frisk filed a motion for forty-five additional days in which to file his dispositive motion. This motion is GRANTED.

Plaintiffs have also renewed their motion for three subpoenas duces tecum to serve on third parties to this action, namely the Federal Bureau of Investigation ("FBI"), the Federal Bureau of

1 Prisons (“BOP”) and the Federal Office of the Inspector General (“OIG”). Plaintiffs declare,
2 under penalty of perjury, that agents of these three agencies have “repeatedly interviewed and/or
3 processed written complaints of Pinson and Stine about the assaults they suffered and or threats
4 directed at them by the Mexican Mafia and Aryan Brotherhood. The proximate cause of such
5 assaults and threats was defendant labeling plaintiffs snitches to active gang members. Employees
6 of the OIG, BOP and FBI have confirmed to plaintiffs that hundreds of pages of documents exist
7 related to information submitted to them by plaintiffs and others, the investigations into that
8 information [sic].”

9 Plaintiffs are entitled to discover nonprivileged matter that is relevant to their claims. *See*
10 Fed. R. Civ. P. 26(b)(1). Federal Rule of Civil Procedure 45 sets out the rules for issuing, serving,
11 protesting and responding to a subpoena duces tecum. Rule 45(c)(2)(A) allows a subpoenaing
12 party to command production of documents and other things. Good cause appearing, Plaintiffs’
13 motion for three subpoenas is GRANTED. Plaintiffs are cautioned, however, that they must take
14 reasonable steps to avoid imposing undue burden or expense on persons subject to their
15 subpoenas. *See* Fed. R. Civ. P. 45(d)(1).

16 CONCLUSION

17 Based on the foregoing, the Court orders as follows:

18 1. Plaintiffs’ motion for an order directing Frisk to respond to their motion for a stay of the
19 filing fee is GRANTED. Doc. no. 52. Frisk shall file a response to Plaintiffs’ motion to stay the
20 filing fee (doc. no. 30) within twenty-one days from the date of this Order. Plaintiffs may file a
21 reply within fourteen days thereafter.

22 2. Plaintiffs’ motion for the issuance of subpoenas duces tecum is GRANTED. Doc. no.
23 52. The Clerk of the Court shall send three blank subpoena forms pertaining to the production of
24 documents to Plaintiffs for them to fill out completely and return to the Court so that the
25 subpoenas may be issued by the Clerk and returned to them so that they may serve them.

26 3. Frisk’s motion for an extension of time to file a dispositive motion is GRANTED. Doc.
27 no. 54. Frisk’s dispositive motion is due on August 28, 2014. If an additional extension of time is
28 necessitated by the fact that plaintiffs are issuing third-party subpoenas, Frisk may request one.

1 Plaintiffs' opposition is due within twenty-eight days after the motion is filed. Frisk's reply is due
2 fourteen days thereafter.

3 4. This Order terminates docket numbers 52 and 54.

4 **IT IS SO ORDERED.**

5 Dated: July 14, 2014



VINCE CHHABRIA
United States District Judge